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DENVER

LAS VEGAS

ORANGE COUNTY

PHOENIX

SALT LAKE CITY

TUCSON



June 19, 2009

Vermiculite Intermountain Site
Division of Environmental Response
and Remediation
Utah Department of Environmental Quality
P.O. Box 144840
Salt Lake City, Utah 84114-4840

(Via First Class Mail Certified Return Receipt)

Regional Institutional Control Coordinator, EPR-SR
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, Colorado 80202

(Via Federal Express)

Re: Environmental Covenant on real property commonly known as APNs: 15-01-029-032 and 15-01-029-033 (the "Property")

To Whom It May Concern:

This letter is being provided to satisfy the notice requirement set forth in Section 10 of that certain Environmental Covenant, dated effective as of February 20, 2008, recorded against the Property in the Salt Lake County Recorder's Office on February 20, 2008, as entry no. 10351643, in book 9571, beginning on page 8228. The name, address and telephone number of the transferee is:

BV Gateway, LLC, an Idaho limited liability company
Attn: Thel W. Casper, Esq.
PO Box 51298, Idaho Falls, Idaho 83405
Phone: (208)523-3794

DEG
U.S. EPA
June 19, 2009
Page 2

Enclosed herewith is a copy of the Trustee's Deed by which transferee acquired title to the Property and a plat recorded in the Salt Lake County Recorder's Office showing the Property.

Regards,

Snell & Wilmer


Jory P. Shoell

JPS:LLN

ELECTRONICALLY RECORDED

By Founders Title Company on June 3, 2009

As Entry No: 10719293

When recorded, mail to:

Thel W. Casper, Esq.
Post Office Box 51298
Idaho Falls, Idaho 83405

Mail tax notices to:

BV Gateway, LLC
Attn: Nissen Denning
Post Office Box 51298
Idaho Falls, Idaho 83405

APN: 15-01-029-032 (Parcel 1)(precursor ID 15-01-129-026)

APN: 15-01-029-033 (Parcel 2)(precursor ID 15-01-129-026)

F-75256

TRUSTEE'S DEED

This Trustee's Deed is made and executed to be effective as of the 29th day of May, 2009, **BY AND FROM** Timothy J. Dance, Esq., as Second Successor Trustee ("**Current Trustee**") under that certain Trust Deed, dated as of March 24, 2008, and recorded on March 26, 2008, as Entry No. 10383425, in Book 9586, beginning on page 6745, in the official records of Salt Lake County, Utah (the "**Deed of Trust**").

WHEREAS, on or about March 24, 2008, **GORDON FAMILY INVESTMENTS, INC.**, a Utah corporation, as Trustor ("**Trustor**"), executed and delivered the Deed of Trust to Founders Title Company, as original trustee, for the benefit of **LA QUINTA CORP., INC.**, a Delaware corporation, as original beneficiary and holder of that certain Note dated March 24, 2008 (the "**Note**"), in the original principal amount of Three Million One Hundred Thousand and No/100 Dollars (\$3,100,000.00). The Deed of Trust was subsequently assigned to **BV GATEWAY, LLC**, an Idaho limited liability company ("**Beneficiary**"), pursuant to that certain Assignment of Deed of Trust dated January 20, 2009, and recorded January 21, 2009, as Entry No. 10601862, in Book 9675, beginning on Page 9546, in the official records of Salt Lake County, Utah. The Deed of Trust covers real property, hereinafter described, located in Salt Lake County, State of Utah ("**Property**"); and

WHEREAS, breach and default was made under the terms of the Deed of Trust and the Note in the particulars set forth in the Notice of Default hereinafter referred to; and

WHEREAS, Mark B. Durrant ("**First Successor Trustee**"), a member of the Utah State Bar whose business address is 201 South Main Street, Suite 800, Salt Lake City, Utah 84111, was duly appointed as successor trustee under the Deed of Trust pursuant to that certain Substitution of Trustee, recorded on July 10, 2008, as Entry No. 10475648, in Book 9625, beginning on Page 7384, of the official records of the Salt Lake County Recorder, State of Utah; and

WHEREAS, First Successor Trustee executed, and thereafter filed for record, a written Default Notice (the "**Notice of Default**") containing an election to sell the Property, which Notice of Default was recorded on October 30, 2008, as Entry No. 10552010, in Book 9655, beginning on Page 1951 in the office of the Salt Lake County Recorder, State of Utah, and not less than ten days after recordation of such Notice of Default the First Successor Trustee did mail, by certified mail with postage prepaid, a copy of the Notice of Default, with the recording date shown thereon, addressed to the Trustor and to each person whose name and address are set forth in a request for notice recorded prior to the filing for record

of the Notice of Default. Trustor failed to cure defaults in the Notice of Default within the statutorily allowed time period; and

WHEREAS, Current Trustee, a member of the Utah State Bar whose business address is 15 West South Temple, Suite 1200, Salt Lake City, Utah 84101, was thereafter duly appointed as the second successor trustee under the Deed of Trust pursuant to that certain Substitution of Trustee, recorded on February 4, 2009, as Entry No. 10615145, in Book 9682, beginning on Page 6686, of the official records of the Salt Lake County Recorder, State of Utah; and

WHEREAS, Current Trustee, in consequence of such declaration of default, election and demand for sale, and in accordance with the Deed of Trust and the provisions of the laws of the State of Utah, did thereafter execute a Notice of Trustee's Sale (the "Notice of Sale") stating that the Current Trustee would sell at public auction to the highest bidder, payable in lawful money of the United States, the Property therein and hereinafter described, such Property being located in the County of Salt Lake, State of Utah, and fixing the time and place of the sale as March 3, 2009, at 10:30 a.m. (Mountain Time) at the East entrance of the Scott M. Matheson Courthouse, of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, at least twenty days before the date of the sale, Current Trustee did cause copies of the Notice of Sale to be mailed by certified mail postage prepaid, addressed to the Trustor and to each person whose name and address are set forth in a request for notice which had been recorded prior to the filing for record of the Notice of Default, and did cause a copy of the Notice of Sale to be published once a week for three consecutive weeks before the scheduled date of sale in the Salt Lake Tribune, and the Deseret Morning News, which are newspapers of general circulation in the county wherein the subject property is situated, the first date of such publication being February 6, 2009, and the last date of such publication being February 20, 2009, and did cause copies of the Notice of Sale to be posted, at least twenty days before the date of sale therein fixed, in a conspicuous place on the Property to be sold and at the office of the Salt Lake County Recorder, State of Utah; and

WHEREAS, on March 3, 2009, at 10:30 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until March 5, 2009 at 10:30 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on March 5, 2009, at 10:30 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until March 10, 2009 at 10:30 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on March 10, 2009, at 10:30 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until March 17, 2009 at 10:30 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on March 17, 2009, at 10:30 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until March 23, 2009 at 11:00 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on March 23, 2009, at 11:00 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until March 30, 2009 at 11:00 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on March 30, 2009, at 11:00 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until April 6, 2009 at 11:00 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on April 6, 2009, at 11:00 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until April 8, 2009 at 11:00 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on April 8, 2009, at 11:00 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until April 13, 2009 at 3:30 p.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on April 13, 2009, at 3:30 p.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until April 17, 2009 at 11:00 a.m. (Mountain Time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on April 17, 2009, at 11:00 a.m. (Mountain Time), James H. Jones, Attorney for Current Trustee, did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until April 17, 2009; at 3:00 p.m. (Mountain Time), at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on April 17, 2009, at 3:00 p.m. (Mountain Time), Current Trustee did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until a later date to be published in compliance with UTAH CODE ANN. §§ 57-1-26; and

WHEREAS, Current Trustee, in compliance with UTAH CODE ANN. §§ 57-1-19 through 57-1-36, did thereafter execute an Amended Notice of Trustee's Sale (the "Second Notice of Sale") stating that Current Trustee would sell at public auction to the highest bidder, payable in lawful money of the United States, the Property therein and hereinafter described, such Property being located in the County of Salt Lake, State of Utah, and fixing the time and place of the sale as May 27, 2009, at 10:30 a.m. (Utah time) at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City, located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, at least twenty days before the date of the sale, Current Trustee did cause copies of the Notice of Sale to be mailed by certified mail postage prepaid, addressed to the Trustor and to each person whose name and address are set forth in a request for notice which had been recorded prior to the filing for record of the Notice of Default, and did cause a copy of the Notice of Sale to be published once a week for three consecutive weeks before the scheduled date of sale in the Salt Lake Tribune, and the Deseret Morning News, which are newspapers of general circulation in the county wherein the subject property is situated, the first date of such publication being April 30, 2009, and the last date of such publication being May 14, 2009, and did cause copies of the Notice of Sale to be posted, at least twenty days before the date of sale therein fixed, in a conspicuous place on the Property to be sold and at the office of the Salt Lake County Recorder, State of Utah; and

WHEREAS, on May 27, 2009, at 10:30 a.m. (Mountain Time), Current Trustee did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until May 28, 2009, at 10:30 a.m. (Mountain Time), at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, on May 28, 2009, at 10:30 a.m. (Mountain Time), Current Trustee did appear, in compliance with UTAH CODE ANN. §§ 57-1-27, at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah, and cried a public declaration postponing the sale of the Property, hereinafter described, until May 29, 2009 at 10:30 a.m. (Mountain Time), at the East Rotunda of the Third Judicial District Court – Salt Lake County – Salt Lake City located at 450 South State Street, Salt Lake City, Utah; and

WHEREAS, Current Trustee appeared at the designated time and place of sale on May 29, 2009, at 10:30 a.m. (Mountain Time), and did then and there sell the Property hereinafter described, at public auction, to Beneficiary, being the highest bidder therefor, for the sum of Three Million Five Hundred Eighty-Six Thousand Seven Hundred Ninety-Six and 33/100 Dollars (\$3,586,796.33) in the form of a credit bid against the obligations owed by the Trustor that were secured pursuant to the Trust Deed.

WHEREAS, the beneficiary of the Trust Deed as of the date of the trustee's sale, May 29, 2009, was BV GATEWAY, LLC, an Idaho limited liability company; and

WHEREAS, all applicable statutory provisions of the State of Utah and all of the provisions of the Deed of Trust having been complied with as to the acts to be performed and the notices to be given. This conveyance is made pursuant to the powers, including the power of sale, conferred upon Current Trustee and, after fulfillment by the Trustee, First Successor Trustee and the Current Trustee of the conditions specified in said Deed of Trust, in compliance with the laws of the State of Utah authorizing this conveyance, including but not limited to, compliance with all requirements of the law concerning (i) the recording and mailing of the Notice of Default; (ii) the mailing, publication and posting of the Notice of Sale and the Second Notice of Sale; (iii) the conduct of the trustee's sale of the below-described property and all proceedings leading thereto; and (iv) compliance with UTAH CODE ANN. §§ 57-1-19 through 57-1-36, relating to the exercise of the power of sale and sale of the Property; and

NOW, THEREFORE, Current Trustee, for the consideration recited above and for other good and valuable consideration, the receipt and sufficiency of which hereby are acknowledged, and by virtue of the authority which he has pursuant to the Deed of Trust and the laws of the State of Utah, does by these presents, **GRANT AND CONVEY** unto **BV GATEWAY, LLC**, an Idaho limited liability company whose address is Post Office Box 51298, Idaho Falls, Idaho 83405 ("Grantee"), but without any covenant or warranty of any kind, express or implied, all of that certain real property, including all fixtures and improvements of any kind located on the real property, situated in Salt Lake County, State of Utah, described as follows:

Parcel 1:

Beginning at a point 10 feet East from the Northwest corner of Lot 6, Block 66, Plat "A" Salt Lake City Survey;
thence South 220 feet to North face of concrete foundation wall;
thence West along North face of said wall and wall produced 7.7 feet;
thence Southerly along the West face of said concrete wall and wall produced 75.95 feet to a point 4 feet North from the North facing of a 13.75 foot outside diameter concrete smokestack;
thence West 5.81 feet to a point 4 feet West from the West face of said smokestack;
thence South 34.05 feet to South boundary line of Lot 5, Block 66, thence East 498.51 feet to the Southeast corner of Lot 8, said block 66, thence North 156.75 feet, thence West 165 feet, thence North 8.25 feet, thence West 82.5 feet, thence North 165 feet, thence West 237.5 feet to the point of beginning

Less and excepting therefrom that portion conveyed to Utah Power and Light Company, a Utah Corporation organized and existing under the laws of that State of Utah, as disclosed by that certain Warranty Deed recorded June 25, 1984 as Entry No. 3959294 in Book 5567 at Page 2324, Salt Lake County Recorder's Office, being more particularly described as follows:

Beginning at a point which is North 89°58'22" East 10.0 feet and South 00°02'07" East 132.02 feet from the Northwest corner of Lot 6, Block 66, Plat "A" Salt Lake City Survey; said point of beginning also being North 89°58'22" East along the city monument line 243.29 feet and South 0°02'07" East 199.46 feet from the city monument at the intersection of 100 South Street and 400 West Street;
thence running South 0°02'07" East 88.02 feet;
thence South 89°58'22" West 7.70 feet;
thence South 0°02'07" East 75.97 feet;
thence South 89°58'22" West 5.81 feet;

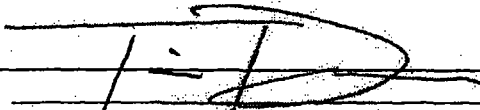
thence South 0°02'07" East 34.06 feet to a point on the South line of said Lot 5, thence North 89°58'22" East along the South line of said Lot 5 and 6, 106.38 feet to a point which is 14.90 feet South of the Southeast corner of an existing building; thence North 0°25'13" West along the East face of said building line projected, 198.05 feet; thence South 89°58'22" West 91.54 feet to the point of beginning.

Parcel 2:

Beginning at a point 243.52 feet North 89°58'21" East and 67.44 feet South 00°01'39" East and 485.28 feet North 89°58'20" East from the Salt Lake City Survey Monument found at the intersection of 100 South and 400 West Streets, said point being the Northeast corner of Lot 8, Block 66, Plat A, Salt Lake City Survey, and running thence South 00°03'19" East 173.25 feet; thence South 89°58'20" West 165.00 feet; thence North 00°03'19" West 8.25 feet; thence South 89°58'20" West 82.5 feet; thence North 00°03'19" West 165.00 feet; thence North 89°58'20" East 247.50 feet to the point of beginning.

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED EFFECTIVE AS OF FEBRUARY 20, 2008, RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE COUNTY RECORDER ON FEBRUARY 20, 2008, AS ENTRY NO. 10351643, IN BOOK 9571, BEGINNING ON PAGE 8228. THE ENVIRONMENTAL COVENANT CONTAINS THE ACTIVITY AND USE LIMITATIONS AS SET FORTH IN EXHIBIT A ATTACHED HERETO.

EXECUTED on June 3, 2009 and made effective as of the date first set forth above.


Timothy J. Dance, Esq., Trustee

STATE OF UTAH)
)ss:
COUNTY OF SALT LAKE)

The foregoing Trustee's Deed was duly acknowledged before me on June 3, 2009, by Timothy J. Dance, Esq., as Current Trustee.


Notary Public

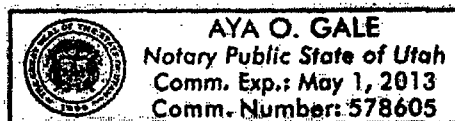


EXHIBIT A

ENVIRONMENTAL COVENANT ACTIVITY AND USE LIMITATIONS

Owner shall prevent the release of amphibole asbestos from underneath soil caps and impermeable surfaces at the site. The property is currently covered with a mixture of asphalt paved surface, cement surfaces and soil covers that is preventing emissions of amphibole asbestos from the Property. In areas where cleanup work has already been performed, there are both vertical and horizontal orange plastic barriers below the soil cap indicating potential areas of contamination. In other areas, there are no such warning devices. These covers, surfaces (the "cap") and warning device must be maintained in good condition. If the cap deteriorates in such a manner that amphibole asbestos might be released, then Owner must repair the warning devices and the cap.

If the cap must be disturbed for any reason, Owner must protect workers, protect nearby receptors, and protect the removal action remedy by not introducing amphibole asbestos contamination into clean areas. The Owner must comply with the following:

- a. **Notification and Written Workplan** – The Owner must notify DEQ and EPA in advance regarding any project which will disturb the cap. The Owner must submit a written workplan to DEQ and EPA describing the nature of the project and the work practices and engineering controls to be used to prevent emissions of amphibole asbestos. EPA and DEQ will coordinate to determine the appropriate level of government oversight and will notify the Owner which agency will be conducting oversight of the project. The Owner must receive written approval from DEQ and EPA prior to beginning a project that will disturb the cap. In the event of any action or occurrence on or relating to the Property that constitutes an emergency situation or may present an immediate threat to public health or welfare or the environment prevents Owner from complying with the requirements of this paragraph, Owner shall notify EPA and DEQ of the situation and any responsive actions simultaneously with the identification of the emergency and determination of need for immediate action.
- b. **Existing Asbestos Regulations** – The federal government and the State of Utah have regulations regarding asbestos worker certification and asbestos work practices. These rules generally apply to "asbestos containing material" ("ACM") which means any material containing more than one percent asbestos, according to the definition set forth in the regulations. Owner must address all releases of amphibole asbestos, even those below a 1% concentration. Any activity at the Property which impacts the cap should be conducted, at a minimum in compliance with the regulations. The Owner shall notify the Utah Division of Air Quality Asbestos Program of any asbestos-related work practices.

- c. **Worker Health and Safety** – the U.S. Occupational Safety and Health Administration ("OSHA") has regulations for workers exposed to asbestos, including permissible exposure limits ("PELs"), employee notification, monitoring methods, etc. The OSHA regulations state that the employer shall ensure that no employee is exposed to an airborne concentration of asbestos in excess of 0.1 fibers per cubic centimeter of air as an eight (8)-hour time-weighted average ("TWA") as determined by the method prescribed in the regulations. Any activity at the Site which triggers the OSHA regulations should be conducted in compliance with the regulations. Soils at the Site which contain detectable amphibole asbestos at trace levels less than 0.2 percent could generate airborne concentrations of amphibole asbestos that are potentially hazardous when disturbed. Owner is required to keep worker exposures to amphibole asbestos at the Site to an absolute minimum, even if the OSHA regulations are not triggered. This includes requiring respiratory protection, employee training, engineering controls (e.g., wetting or containment), air monitoring, etc., if soils below a cap are to be disturbed, unless Owner can show, using EPA-approved amphibole asbestos analytical methods, that the soils are non-detect for such asbestos.
- d. **Receptors near the Site** – Owner must take steps to ensure that persons near the Site are not exposed to amphibole asbestos during any activity that disturbs the cap. Any workplan for a proposed project should describe how this will be accomplished with activities including, but not limited to, engineering controls, EPA-approved amphibole asbestos analytical methods, air monitoring, and restricting access to the Site.
- e. **Decontamination** – The workplan should describe decontamination procedures and adequately delineate workzones and decontamination zones for any proposed project. Decontamination must be considered for workers, equipment, vehicles, or any other thing that enters into the work zone. The workplan should also address the collection and disposal of decontamination water.
- f. **Handling, Transport, and Disposal** – Any activity that may possibly disturb the amphibole asbestos that remains underneath the cap must not re-contaminate the ground surface or nearby buildings. Procedures must be established and described in the workplan for preventing emissions from any amphibole asbestos-contaminated soils as they are excavated and transported for disposal. Contaminated soils, clothing, and other amphibole asbestos-contaminated waste should be containerized and treated as ACM. The materials should be transported to, and disposed of, as ACM at a landfill permitted to receive ACM.
- g. **Experienced Workers** – Any activity that will disturb the cap must be conducted by workers experienced with outdoor asbestos cleanups, preferably workers experienced in cleaning up amphibole asbestos contamination. Depending on the scope of the proposed project, utilizing inexperienced workers may be a cause for rejecting the workplan.

h. Owner shall pay DEQ for oversight and review in accordance with DEQ's fee schedule.

10719293
6/3/2009 11:46:00 AM \$29.00
Book - 9731 Pg - 1825-1833
Gary W. Ott
Recorder, Salt Lake County, UT
FOUNDERS TITLE
BY: eCASH, DEPUTY - EF 9 P.

When recorded, mail to:

Thel W. Casper, Esq.
Post Office Box 51298
Idaho Falls, Idaho 83405

Mail tax notices to:

BV Gateway, LLC
Attn: Nissen Denning
Post Office Box 51298
Idaho Falls, Idaho 83405

APN: 15-01-029-032 (Parcel 1)(precursor ID 15-01-129-026)
APN: 15-01-029-033 (Parcel 2)(precursor ID 15-01-129-026)

F-75256

TRUSTEE'S DEED


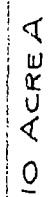
This Trustee's Deed is made and executed to be effective as of the 29th day of May, 2009, BY AND FROM Timothy J. Dance, Esq., as Second Successor Trustee ("Current Trustee") under that certain Trust Deed, dated as of March 24, 2008, and recorded on March 26, 2008, as Entry No. 10383425, in Book 9586, beginning on page 6745, in the official records of Salt Lake County, Utah (the "Deed of Trust").

WHEREAS, on or about March 24, 2008, GORDON FAMILY INVESTMENTS, INC., a Utah corporation, as Trustor ("Trustor"), executed and delivered the Deed of Trust to Founders Title Company, as original trustee, for the benefit of LA QUINTA CORP., INC., a Delaware corporation, as original beneficiary and holder of that certain Note dated March 24, 2008 (the "Note"), in the original principal amount of Three Million One Hundred Thousand and No/100 Dollars (\$3,100,000.00). The Deed of Trust was subsequently assigned to BV GATEWAY, LLC, an Idaho limited liability company ("Beneficiary"), pursuant to that certain Assignment of Deed of Trust dated January 20, 2009, and recorded January 21, 2009, as Entry No. 10601862, in Book 9675, beginning on Page 9546, in the official records of Salt Lake County, Utah. The Deed of Trust covers real property, hereinafter described, located in Salt Lake County, State of Utah ("Property"); and

WHEREAS, breach and default was made under the terms of the Deed of Trust and the Note in the particulars set forth in the Notice of Default hereinafter referred to; and

WHEREAS, Mark B. Durrant ("First Successor Trustee"), a member of the Utah State Bar whose business address is 201 South Main Street, Suite 800, Salt Lake City, Utah 84111, was duly appointed as successor trustee under the Deed of Trust pursuant to that certain Substitution of Trustee, recorded on July 10, 2008, as Entry No. 10475648, in Book 9625, beginning on Page 7384, of the official records of the Salt Lake County Recorder, State of Utah; and

WHEREAS, First Successor Trustee executed, and thereafter filed for record, a written Default Notice (the "Notice of Default") containing an election to sell the Property, which Notice of Default was recorded on October 30, 2008, as Entry No. 10552010, in Book 9655, beginning on Page 1951 in the office of the Salt Lake County Recorder, State of Utah, and not less than ten days after recordation of such Notice of Default the First Successor Trustee did mail, by certified mail with postage prepaid, a copy of the Notice of Default, with the recording date shown thereon, addressed to the Trustor and to each person whose name and address are set forth in a request for notice recorded prior to the filing for record



THE SIGNET COMPANY
1000 15th Street, N.W.
Washington, D.C. 20004

15-F